

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

HENRY NARANJO and
MARLENE RAMIREZ,


CASE NO. 00-6022-CIV-LENARD
MAGISTRATE JUDGE TURNOFF

Plaintiff,

vs.

STEPHEN BYRON SMITH
and PALMER JOHNSON, INC.,

Defendants.

FILED BY 
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CLERK U.S. DIST. CT.
S.D. OF FL.-MIAMI

CROSS-CLAIM OF STEPHEN BYRON SMITH

Defendant/cross-claimant Stephen Byron Smith (hereinafter "Smith"), by and through his undersigned counsel, herewith files his cross-claim against cross-defendant Palmer Johnson, Inc. (hereinafter "Palmer Johnson"), and states and avers the following:

1. Plaintiff has sued Smith for damages arising out of an accident aboard the SOUVENIR, a vessel designed, constructed, and distributed by Palmer Johnson.
2. Smith denies any and all liability to the plaintiff herein arising out of the accident and for any resulting injuries.
3. The accident and resulting injuries to the plaintiff were not due to any fault, want of due care, or liability on the part of Smith.
4. Cross-defendant Palmer Johnson designed, constructed, modified and sold the vessel.
5. In the event it is determined that Smith is liable to the plaintiffs for the accident and resulting injuries, then such liability would be due solely to the actions and/or



omissions of Palmer Johnson, in which event Smith will be entitled to complete indemnity from Palmer Johnson.

6. Alternatively, Smith will be entitled to contribution from Palmer Johnson to the extent of the latter's negligence, fault, or want of due care in contributing to the accident and resulting injuries.

WHEREFORE, defendant/cross-claimant Smith demands judgment against cross-defendant Palmer Johnson for indemnity and/or contribution, costs, and attorneys' fees in the defense of the plaintiffs' claim and such other and further relief as this Court may deem just and equitable. Inc.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been mailed to all attorneys of record on the attached service list, this 29 day of August, 2000.

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